

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-21932-2023

Date of Decision : 08.05.2023

Amarjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rhythem Bajaj, Advocate for the petitioner.

Mr. Gurpreet Singh, Additional Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed for the grant of regular bail in FIR No. 73 dated 19.07.2019 (Annexure P-1) registered under Sections 302, 34 IPC at Police Station Sadar Abohar, District Fazilka.

In the present case, the allegations are that co-accused, Balkar Singh with the help of the present petitioner has committed murder of his mother, Harpal Kaur. As per the allegations, there is no injury attributed to the petitioner to have been inflicted so as to cause death of Harpal Kaur but it has been alleged that she had caught hold of the deceased-Harpal Kaur and the co-accused-Balkar Singh had inflicted injuries upon her.

Learned counsel for the petitioner submits that as of now, out of the total 17 cited witnesses, only 09 witnesses have been examined and the petitioner is behind bars for the last approximately 03 years and 10 months, hence, as the trial is not likely to be concluded in near future, the

petitioner may kindly be extended the concession of regular bail as the material witnesses have already been examined.

Notice of motion.

Mr. Gurpreet Singh, learned Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel has not been able to dispute the fact that the injuries, which led to the death of Harpal Kaur, have been attributed to co-accused Balkar Singh. It has further not been disputed by the learned counsel for the respondent that out of the total 17 witnesses, only 09 witnesses have been examined so far.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the petitioner is behind bars for the last 03 years and 10 months. The allegation against the petitioner is of facilitating the murder of Harpal Kaur by her own son, Balkar Singh. Once, it is a conceded position that there is no injury attributed to the petitioner to have been inflicted, which led to the death of Harpal Kaur and only allegation is that she had facilitated the crime, which allegation is yet to be proved on the basis of the evidence which will come on record coupled with the fact that out of the total 17 witnesses cited, only 09 witnesses have been examined, the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bar during the entire period of trial, especially, when she is 59 years old.

Learned counsel for the petitioner has undertaken before this

Court that the petitioner will not influence the trial in any manner and will maintain good conduct, in case she is granted the concession of regular bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 08, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No